

Voted at Meeting of 5/3/79

MEMORANDUM

May 3, 1979

TO: BOSTON REDEVELOPMENT

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: REPORT AND DECISION ON THE CHAPTER 121A
APPLICATION OF ST. BOTOLPH TERRACE ASSOCIATES

On March 29, 1979 the Authority conducted a public hearing with respect to the above-captioned Application. At that meeting the Board heard a presentation by the Applicants.

The Project consists of the acquisition, rehabilitation, operation and maintenance of 52 apartments for low income elderly persons in the project area, at 351 through 367 Massachusetts Avenue. All of the units will be assisted by the HUD Section 8 rental assistance program.

The Staff has examined the Application and found that it contained sufficient evidence in support of the Project to permit the Authority to make those findings and determinations necessary to proceed with the approval of the Project.

It is therefore recommended that pursuant to Chapter 121A of the General Laws, the Authority adopt the Report and Decision approving the Project.

An appropriate Vote follows:

VOTED: That the document presented at this meeting entitled "Report and Decision On The Application of St. Botolph Terrace Associates, for the Authorization and Approval of a Project Under Massachusetts General Laws (TER ED) Chapter 121A as Amended, and Chapter 652 of the Acts of 1960, to be Undertaken and Carried out by a Limited Partnership Formed under M.G.L. Chapter 109, and Approval to Act as an Urban Redevelopment Limited Partnership under said Chapter 121A" be and is hereby approved and adopted.

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION OF
ST. BOTOLPH TERRACE ASSOCIATES FOR THE
AUTHORIZATION AND APPROVAL OF A PROJECT UNDER
MASSACHUSETTS GENERAL LAWS (TER.ED.) CHAPTER
121A AS AMENDED, AND CHAPTER 652 OF THE ACTS
OF 1960, TO BE UNDERTAKEN AND CARRIED OUT BY
A LIMITED PARTNERSHIP FORMED UNDER M.G.L.,
CHAPTER 109, AND APPROVAL TO ACT AS AN URBAN
REDEVELOPMENT CORPORATION UNDER SAID
CHAPTER 121A.

A. The Hearing. A public hearing was held at 2 p.m. on March 29, 1979, in the offices of the Boston Redevelopment Authority (hereinafter called the "Authority"), at the New City Hall, Room 921, Boston, Massachusetts 02201, by the Authority on an Application, dated February 13, 1979, (hereinafter called the "Application"), filed by St. Botolph Terrace Associates for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended, (hereinafter called the "Project") due notice of said hearing having been given previously by publication on March 19, 1979, and March 26, 1979, in the Boston Herald American, a daily newspaper of general circulation published in Boston, and mailing postage prepaid in accordance with Rule 4 of the Rules and Regulations of the Authority for securing approval of Chapter 121A projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended.

James G. Colbert, Joseph J. Walsh, James K. Flaherty and James E. Cofield, Jr., members of the Authority, were present throughout the hearing.

B. The Project. The Project consists of nine (9) adjoining townhouse buildings located at numbers 351, 353, 355, 357, 359, 361, 363, 365, and 367 Massachusetts Avenue, Boston, Mass., containing approximately 18,502 square feet of land.

A full metes and bounds description is contained in the Application. The Project

consists of the purchase, rehabilitation, operation and maintenance by the Applicant of fifty-two (52) units of housing for lower income elderly persons and families within the proposed Project Area. Approximately thirteen (13) of the units will be efficiency units, four (4) will be one-bedroom units, approximately twenty-four (24) will be two-bedroom units, eight (8) of the units will be three-bedroom units, and four (4) will be four-bedroom units. The appurtenant facilities will include commercial/office space, and a laundry room. All of the units will be eligible for rental subsidies provided by HUD pursuant to Section 8 of the U. S. Housing Act of 1937, as amended, except for one unit which may be occupied by a resident superintendent.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing, arguments, and statements made at the hearing, and additional statements submitted subsequent to the hearing.

The Project, as defined in the Application, constitutes a Project within the meaning of Section 1 of Chapter 121A of the General Laws, providing as it does, for the purchase, construction, operation and maintenance in a blighted, decadent or substandard area of a decent, safe and sanitary residential building and appurtenant facilities.

D. Project Area. The Project Area is located in what is defined in the City's Master Plan as Fenway Urban Renewal Area of Boston and in the opinion of the Applicant is presently a blighted and decadent area as defined in Chapter 121A, detrimental to the safety, health, morals, welfare and sound growth of the community because the Project Area contains buildings which are out of repair, physically deteriorated and in need of major maintenance and repairs. Being under diverse ownership it is unlikely that by private enterprise the Project Area would be developed as a whole.

The Project Area is also detrimental to the health and safety of the community by reason of the potential fire hazard created by partially vacant and boarded up buildings.

The present owner of the Project Area is the Boston Redevelopment Authority.

It is improbable that the conditions causing the present blight and deterioration could be corrected by the ordinary operation of private enterprise and without the aids available under G.L. Chapter 121A as is evidenced by the requirement of the mortgage lender in Appendix 5 to the Application, that the real estate taxes be limited to contain percentages of the project's estimated gross annual income, which percentage levels can only be lawfully agreed to by the City of Boston under G.L. Chapter 121A and Chapter 6A. These conditions and other factors referred to in the Application and this Report and Decision warrant the carrying out of the Project in accordance with Chapter 121A and the proposal constitutes a "project" within the meaning of that statute.

For these reasons it is found that the Project Area is a blighted open area within the meaning of Chapter 121A as amended. It is unlikely that the conditions will be remedied by the ordinary operations of private or public enterprise.

The Project will provide substantial financial return to the City of Boston. Appendix 6 of the Application sets forth the Agreement to be entered into between the City of Boston and the Applicants. This Agreement provides in substance that there be paid to the City of Boston in lieu of real estate taxes in each of the forty (40) calendar years after approval of the Project, an amount over the excise payable under General Laws, Chapter 121A, section 10. During construction, the owner will pay the minimum excise tax as specified in the 121A statute. After completion, the project will pay the percentages of gross rental income as specified in their 6A tax agreement letter.

E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable. The estimated cost is approximately One Million Seven Hundred Forty-Six Thousand Two Hundred Fifty (\$1,746,250.00) Dollars. The Applicant will be provided by MHFA and/or GNMA with construction and permanent financing respectively for an amount equal to 90% of the total cost of the Project. The owner's equity equal to 10% of the total costs of the Project will be contributed by limited partners as well as general partners. The amount to be raised by mortgage financing (\$1,535,800.00) will be approximately 88% of the total replacement cost. The minimum amount of equity capital expected to be raised (\$152,874.00) shall be equal to 12% of HUD approved replacement cost.

The Project will be assisted by rental assistance under Section 8 of the U.S. Housing Act of 1937, as amended, for 100% of the units. Under the Section 8 Program, HUD pays that amount of the fair market rent for an apartment that exceeds 25% of the tenant's income.

The Project will be undertaken by a limited partnership, St. Botolph Terrace Associates. The Application contains the Corporate Articles of Organization, illustrating the corporate purposes and structure. Experience with similar financing and organizational methods persuades the Authority that the financial program is realistic.

The following are all the persons, natural or corporate, who have or will have, directly or indirectly, any beneficial interest in the Project prior to its completion:

St. Botolph Terrace Associates

General Partners: Kenneth I. Guscott
 George R. Guscott
 Cecil H. Guscott

Pyramid Development Corporation

U.S. Department of Housing and Urban Development

MHFA

GNMA

F. Consistency with Master Plan. The Project does not conflict with the Master Plan for the City of Boston.

G. Effect of the Project. The Project will not be in any detrimental to the best interest of the public or the City or to the public safety or convenience or be inconsistent with the most suitable development of the City. The Project, will, in fact, forward the best interests of the City and will constitute a public use and benefit. The Project has been reviewed by the Design Review Staff of the Authority and is subject to further design review should the proposed design change in any way. The Authority finds that this Project will enhance the general appearance of the Area and furnish attractive and necessary housing.

The carrying out of the Project will involve the rehabilitation of buildings occupied in part as dwellings. The property is presently owned by the BRA which has the legal responsibility to provide a feasible method for the relocation of the families presently residing in the property as required by HUD prior to transferring ownership to the Applicant.

The Project Area does not include land within any location approved by the State Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston.

H. Environmental Considerations. Pursuant to the provisions of Section 61 of Chapter 30 of the General Laws (as inserted by Chapter 781 of the Acts of 1972), the Authority hereby finds and determines that the Project will not result in significant damage to or impairment of the environment and further finds and determines that all practicable and feasible means and measures have been taken, or will be utilized, to avoid or minimize damage to the environment.

As a result of the investigations and report of the Authority's staff and of its own knowledge, the Authority hereby finds that:

1. The Project will not adversely affect any open space or recreation area or any aesthetic values in the surrounding area.
2. The Project will not adversely affect any archaeological or historical site, structure, or feature.
3. The Project will not adversely affect any significant natural or man-made feature or place but is determined to be compatible with the surrounding environment.
4. Being located in an urban area, the Project will not affect any wilderness area or area of significant vegetation and will not adversely affect any rare or endangered fisheries, wildlife or species of plants.
5. The Project will not alter or adversely affect any flood hazard area, inland or coastal wetland, or any other geologically unstable area.
6. The Project will not involve the use, storage, release, or disposal of any potentially hazardous substances.
7. The Project will not affect the potential use or extraction of any agricultural, mineral, or energy resources.
8. The Project will not result in any significant increase in consumption of energy or generation of solid waste.
9. The Project will not adversely affect the quantity or quality of any water resources and will not involve any dredging.
10. Except necessarily during the construction phase, the Project will not result in the generation of a significant amount of noise, dust, or other pollutants, and will not adversely affect any sensitive receptors.
11. The Project will not adversely affect any area of important scenic value.
12. The Project will not conflict with any Federal, State, or local land use, transportation, open space, recreation, and environmental plans and policies.
13. The Project will require deviations from the Zoning Code of the City of Boston as further detailed herein, but not in such a manner as will cause damage to the environment.

In order to avoid or minimize any damage to the environment, the Authority hereby requires that the applicant comply with the City of Boston Air Pollution Control Commission's Regulation for the Control of Noise and Regulations for the Control of Atmospheric Pollution during all phases of construction activity. In addition,

should the rehabilitation involve any abrasive blasting of interior or exterior surfaces, the Applicant must submit an application for an Abrasive Blasting Permit to the City of Boston Air Pollution Control Commission prior to initiation of such activity.

I. Minimum Standards. The minimum standards for financing, construction, maintenance and improvement of the Project as set forth in Appendix Item #16, filed with and attached to the Application, are hereby adopted and imposed as Rules and Regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended.

In addition to the minimum standards set forth in Appendix Item #16, the Authority hereby requires that the Applicants, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval such plans and specifications for the Project as the Authority may require and accept such changes and modifications thereto as the Authority may deem necessary or appropriate; and (3) adhere to such design review controls and requirements as the Authority may in its discretion impose.

The carrying out of the Project will not require a permit for the erection, maintenance and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a Church.

The Project does not require a declaration that the buildings contemplated constitute a separate building for the purpose of General Laws, Chapter 138.

J. Zoning and Building Code Deviations. Appendix Item #10 filed with and attached to the Application lists the zoning and building deviations. For the reasons set forth in the Application and the evidence presented at the hearing, the Authority hereby finds that the attached zoning deviations, attached hereto and incorporated by reference as Exhibit A, are necessary for the carrying out of the total project and therefore granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances and regulations, respectively.

K. Duration of Period of Tax Exemption. In addition to the base term of fifteen (15) calendar years for the Project's period of tax exemption, pursuant to the provisions of Section 10 of Chapter 121A, as amended by Chapter 827 of the Acts of 1975, the Authority hereby determines that the Project shall be entitled an extension of twenty-five (25) years beyond the base period. This determination is based upon the fact that the Applicant's Project is financed and subsidized under Federal programs to assist the construction of low-income housing.

L. Decision. For all of the reasons set forth in the foregoing report, The Authority hereby approves the undertakings by the Applicant of the Project pursuant to Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960.

EXHIBIT A
APPENDIX ITEM #10

ST. BOTOLPH TERRACE ASSOCIATES

ZONING DEVIATIONS REQUIRED

OWNER: St. Botolph Terrace Associates

LOCATION: NUMBERS 351, 353, 355, 357, 359, 361, 363, 365 and 367
Massachusetts Avenue, Boston, Massachusetts.

NUMBER OF UNITS: 52 dwelling units

SOURCE OF FUNDING: HUD Section 221(d)(4) and Section 8 Programs

ARCHITECT: Stull Associates, Inc.
Boston, Massachusetts

Article 18:

Permission is requested to deviate from the requirement under Section 18-2 in a B-2 District for a 10 foot setback of the most occurring front yard on Massachusetts Avenue to the East of the Project; proposed setback of less than one (1) foot which is the same as the existing pre-code condition.

Article 19:

Permission is requested to deviate from the requirement of Section 19-6b in a B-2 District for a side yard one-half the front yard required by Code (for corner lots); proposed side yard is less than one (1) foot which is the same as the existing pre-code condition.

Article 20:

Permission is requested to deviate from the requirement of a minimum rear yard of 20 feet in a B-2 District; the proposed rear yard dimension at Number 365-367 Massachusetts Avenue is 17 feet which is the same as the existing condition.

Article 23:

Permission is requested to deviate from the requirement for parking (off-street) in a B-2 District; cars is proposed; no off-street parking currently exists.

USE DEVIATIONS REQUESTED

Article 8:

Permission is requested to change allowed occupancy for each building as follows:

<u>NUMBER</u>	<u>EXISTING</u>	<u>PROPOSED</u>
351 Massachusetts Ave.	4 d.u. plus 1 store	4 d.u. plus office space
353 Massachusetts Ave.	5 d.u.	6 d.u.
355 Massachusetts Ave.	5 d.u.	6 d.u.
357 Massachusetts Ave.	4 d.u.	6 d.u.
359 Massachusetts Ave.	5 d.u.	6 d.u.
361 Massachusetts Ave.	8 d.u. plus 1 store	6 d.u.
363 Massachusetts Ave.	5 d.u.	6 d.u.
365 Massachusetts Ave.	4 d.u.	6 d.u.
367 Massachusetts Ave.	<u>4 d.u.</u>	<u>6 d.u.</u>
	44 d.u. plus 2 stores	52 d.u. plus office space

Permission is requested to combine Number 351 and Number 353 Massachusetts Avenue into one (1) building and Number 365 and Number 367 Massachusetts Avenue into one (1) building.

Article 15:

Permission is requested to deviate from the requirement limiting floor area ratio to 2 in a B-2 District; proposed floor area ratio is up to a maximum of 3.98; the existing floor area ratio for each building ranges from 2.61 to 3.10 at various addresses.

Article 17:

Permission is requested to deviate from the requirement of 150 square feet of usable open space per dwelling unit in a B-2 District; proposed is a minimum of 72 square feet of open space per dwelling unit; the existing condition ranges from 0 to 149 at various addresses.

